

REMARKS

In accordance with the foregoing, claim 10 has been canceled and claims 1, 15, 27, 29, 31, 32, 33 have been amended. Claims 1-9 and 11-33 are pending and under consideration. Favorable reconsideration is respectfully requested.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action, claims 1-3, 27, 29, 31-33 were rejected under 35 U.S.C. §102 in view of Atlas ATM website. This rejection is traversed and reconsideration is requested.

As cited in amended claim 1, the automated transaction machine (ATM) placement fee determination method for determining an ATM placement fee to be paid to a fee recipient entity in a nonbank location in which an ATM is installed under a payment-by-results contract with a service provider, comprising:

- (a) obtaining electronic history information of the ATM; and
- (b) determining the ATM placement fee, which is to be paid to the fee recipient entity, in a computer-implemented way based on said electronic history information obtained by (a),
- (c) said electronic history information is a browsing history containing browsing web contents that provide benefits to the service provider on the Internet as the ATM has been used by an individual customer.

Atlas relates to operating an ATM in a nonbank site and sending a commissions check as long as location of the ATM handles 250 or more transactions per month. Atlas does not teach or suggest that the electronic history information is a browsing history containing browsing web contents that provide informational benefits to the service provider on the Internet as the ATM has been used by an individual customer.

Therefore, it is respectfully that Atlas does not teach or suggest the present invention submitted and that claim 1 patentably distinguishes over the prior art.

Although the above comments are directed to claim 1, it is respectfully submitted that the comments would be helpful in understanding the various differences of the listed claims below over Atlas. Accordingly, claims 27, 29, 31, 32, and 33 are patentably distinguishable because Atlas does not teach or suggest the information benefits of the present invention.

Claims 2 and 3 depend from independent claim 1. Therefore, it is respectfully submitted that dependent claims 2 and 3 should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite.

REJECTIONS UNDER 35 U.S.C. §103:

In the Office Action, claims 4-9, 28, and 30 were rejected under 35 U.S.C. §103 in view of Atlas ATM website and Steinmetz et al. (US 6,672,505). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 4-9 depend on independent claim 1, claim 28 depends from independent claim 27, and claim 30 depends from independent claim 29.

Regarding the rejection of dependent claims 4-9, 28, and 30 under 35 U.S.C. § 103, the Examiner acknowledges that Atlas does not disclose various features of these claims. The Office Action relies upon Steinmetz to teach these features. Steinmetz relates to an automated banking machine configuration system and method where an ATM license authority communicates with an ATM through a communications network. Neither Atlas nor Steinmetz teaches or suggest that the electronic history information is a browsing history containing browsing web contents that provide informational benefits to the service provider on the Internet as the ATM has been used by an individual customer.

Therefore, it is respectfully submitted that dependent claims 4-9, 28, and 30 should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite.

In the Office Action, claims 10-19 were rejected under 35 U.S.C. §103 in view of Atlas ATM website and Steinmetz et al. (US 6,672,505) and Drummond et al. (US 6,796,490). The reasons for the rejection are set forth in the Office Action and therefore not repeated. The rejection is traversed and reconsideration is requested.

Claims 10-19 depend on independent claim 1.

Regarding the rejection of dependent claims 10-19 under 35 U.S.C. § 103, the Examiner acknowledged that Atlas and Steinmetz fail to teach an ATM including browsing capabilities, and determining a placement fee based on said browsing history. Drummond et al. relates an automated banking machine wherein the machine is also a toll access server to the wide area network. Drummond et al. does not teach or suggest the benefits to the service provider that the browsing history contains. The Examiner contends that it would have been obvious to obtain the browsing history information in a manner similar to Steinmetz because the Internet access of Drummond et al. would be considered a transaction operated on the ATM. The browsing history of combining Steinmetz and Drummond et al. does not teach or suggest the benefits to the service provider that the browsing history contains, as stated above.

Therefore, it is respectfully submitted that dependent claims 10-19 should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited by the Examiner contacting the undersigned attorney for a telephone interview to discuss resolution of such issues.

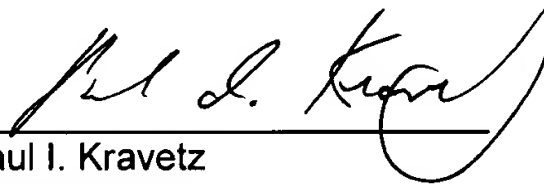
Serial No.: 09/339,616

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 16, 2007

By: 
Paul I. Kravetz
Registration No. 35,230

1201 New York Avenue, N.W.
Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501